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SUBJECT: KAZAKHSTAN: PRESIDENTIAL ELECTION WRAP-UP

11. (SBU) Summary: The CEC announced on December 5, twelve hours after the polls closed, that President Nazarbayev had been reelected with 91% of the vote. Three different exit polls showed the President winning by wide margins, the largest with 83% support. The OSCE issued a preliminary report on December 5 noting that while there had been some improvements in the administration of the election in the run-up to the voting, the presidential election did not meet a number of OSCE commitments and other international standards. Zharmakhan Tuyakbay announced that he would contest the results in court, but would not organize demonstrations. The Embassy fielded 25 observers in six cities. Our observations generally tracked with the OSCE's preliminary assessment, in that observers witnessed a variety of relatively minor violations but did not note systematic egregious flaws in the voting process. End summary.

Stats and Facts on the Voting Process

12. (U) The campaign officially ended at midnight on Friday, December 2. The CEC announced on Friday that 1634 observers and journalists had been accredited (OSCE/ODIHR - 474 observers, CIS - 420 observers, 26 foreign governments - 226 observers, 8 international organizations - 108 observers; 407 journalists from 27 countries). There were 9597 polling stations around the country, 15% of which offered the "Sailau" electronic voting system. Approximately 31.8% of the country's 8.7 million voters had the opportunity to vote electronically.

Security Concerns

13. (SBU) Repeated ill-advised statements by the authorities about the potential for violence and provocations by the opposition spurred significant public concern. Rumors of burning cars, opposition demonstrations, and the suicide of Makpal Zhunussova, Nurkadilov's widow, swirled in Almaty on Friday and Saturday, but proved unfounded. The police in Almaty reportedly received 13 anonymous reports of incidents on Friday evening, all of which were false.

14. (U) On Saturday the Almaty prosecutor issued a public statement calling on citizens not to believe rumors about mass unrest. The prosecutor stated that journalist Sergey Duvanov had been questioned about his December 1 Internet posting regarding rumors that law enforcement authorities would stage a provocation.

Last-Minute Pressure on Observers

15. (U) On December 3, the Young Professionals Society (YPS, Pavel Morozov) and the League of Voters of Kazakhstan (LVK, Natalya Chumakova, wife of opposition leader Petr Svoik) issued a joint statement regarding alleged pressure from executive branch and law enforcement officials. YPS claimed that anonymous people were standing outside their Almaty HQ on Saturday offering their election observers \$30 not to participate. YPS alleged that people identifying themselves as being with the KNB had called the homes of some observers and spoken with their parents. YPS said it lost about 100 observers as a result. YPS also claimed that some observers living in university dorms had been informed that they would be forbidden from leaving on December 4. The owner of YPS's rented Almaty office tried unsuccessfully to evict them on December 2.

16. (SBU) The statement also alleged that all regional LVK coordinators had experienced pressure from the authorities; in four cities this resulted in LVK members giving statements condemning Chumakova. LVK has ceased its activities in North Kazakhstan and Kyzlorda oblasts entirely. An OSCE EMO representative told POEC chief on December 2 that the EOM believed that pressure was being applied to LVK in every oblast. Three regional LVK representatives had told the OSCE of official pressure, including threats of "problems at university" against the daughter of the Kyzlorda representative. The OSCE knew of at least four that had publicly condemned Chumakova in the past few days, presumably also as the result of pressure.

Kazakhstanis Go to the Polls

17. (SBU) Post deployed election observation teams to cover the vote in Almaty, Astana, Atyrau, Ust-Kamenogorsk, Semipalatinsk, and Shu. Five teams focused on Almaty's outlying districts. Eleven Embassy representatives were accredited through the OSCE, and 14 directly with the CEC.

18. (SBU) Polls opened officially at 0700 local time and closed at 2000. Voting throughout the day generally proceeded smoothly. There were few reports of problems with poll openings. Crowd control appeared to be an issue at several stations. The surge in the number of voters, from late morning to early afternoon, appeared to overwhelm some commissions.

19. (SBU) Use of electronic voting appeared to be lower than in the 2004 parliamentary elections, despite the fact that the modified system appeared to be easier to use and more reliable this year. The CEC announced that as of 18:00, only 12.14% of voters who had the option of voting electronically had chosen to do so.

110. (SBU) In general, Embassy observers did not witness widespread gross procedural violations on election day. Problems witnessed during the actual voting included:

-- Discrepancies in voter lists: The lists appeared to be more accurate than in 2004, and there was a clear procedure in place to deal with those not on the list. The response of precinct officials varied. Some readily added voters to the lists, with or without documentary proof of residence; others simply turned voters away without suggesting ways to resolve the problem.

-- Although formed in accordance with the law, the seven-person precinct election commissions had very few representatives of opposition parties.

-- Although access to polling stations for domestic and international observers was generally not an issue, there were several complaints of being forced to stay in a defined area that was too far from the commission officials to see the blank ballots or voter lists.

-- In some villages, Embassy observers noted a strong attempt to get individuals to polling stations. One village administration was observed busing individuals to the polling station.

-- Embassy observers witnessed one example of an individual voting twice, for himself and on behalf of a relative who "couldn't come to the polls."

-- While there were few reports of unauthorized individuals in polling stations, Embassy observers noted a Ministry of Justice official in one precinct. The official explained that she was there to help resolve registration problems. The official did not appear to be taking an active role in the voting process, however, and it was not clear whether her presence represented a violation of election laws.

-- There were a few reports of pro-presidential observers and local officials giving instructions to the polling officials.

-- There were a few instances of campaign materials in or near polling stations. In one Almaty precinct, Embassy observers saw a 10-meter banner at a veterans' home bearing a quote from Nazarbayev about assuring a decent living for the elderly generation.

The Vote Count

111. (SBU) Polls across Kazakhstan closed at 20:00. While some "closed" precincts such as hospitals and military districts closed early in the day after all registered voters had voted, Embassy observers did not report any "open" precincts deviating from the standard 20:00 closing time. (Local electoral officials have the authority to extend voting until 22:00.) Many stations completed the vote count relatively quickly and without dispute. There

were reports of confusion during the vote count in several other stations, however, apparently exacerbated by the exhaustion of PEC officials who started work as early as 3:00 am in precincts with electronic voting. One station in Atyrau was unable to account for 42 ballots; after giving protocols to observers, PEC officials continued to review the results for three hours and were believed to have changed the figures before submitting the protocols to the district election commission (DEC). In one Almaty precinct, the number of votes exceeded the number of signatures on the

voter list by 14. A PEC in Ust-Kamenogorsk worked until 3 am to reconcile what at first appeared to be 60 extra ballots.

Preliminary Results

¶12. (U) At 10:00 am on Monday, the CEC announced preliminary results. With 77% turnout nationwide and 9546 of 9580 precincts having reported in, the CEC announced that President Nazarbayev had received 91.01% of the vote. Zharmakhan Tuyakbay (For a Just Kazakhstan) received 6.64%, Alikhan Baymenov (Ak Zhol) - 1.65%, Yerasyl Abylkasimov (People's Communist Party) - .38%, and Mels Yeleusizov (Tagibat green movement) - .32%.

¶13. (SBU) An exit poll commissioned by the International Republican Institute (IRI), conducted by the Gallup Organization/Baltic Surveys in coordination with the Center for Social and Political Research, indicated that Nazarbayev received 83.2% of the vote. Tuyakbay was shown in second place with 9.9%, Baymenov in third with 3.2%. Yeleusizov and Abylkasimov received 1.4% and 1.2% respectively. (The margin of error was 1%. Pollsters interviewed 23,780 voters at 283 polling stations in all 14 oblasts, Almaty, and Astana.) The KazRating Agency, which conducted an exit poll only in Almaty, reported that out of 4,877 respondents, 78.3% voted to re-elect Nazarbayev and 14% voted for Tuyakbay. According to an exit poll conducted by the Kazakhstan Institute of Social-Economic Information and Forecasting, over 77% voted to re-elect Nazarbayev, while over 13% voted for opposition candidate Tuyakbay.

Preliminary OSCE Assessment

¶14. (U) At a December 5 press conference in Astana, the OSCE Election Observation Mission (EOM) announced that despite improvements in election administration in the pre-election period, the December 4 presidential elections did not meet a number of OSCE commitments and other international standards. Bruce George, the Head of the OSCE Parliamentary Assembly delegation, called candidate registration "mostly inclusive," giving voters a choice but cited media bias in favor of the incumbent, harassment of opposition campaigns, and pressure on student voters as "significant shortcomings." Ambassador Audrey Glover, the Head of the OSCE/ODIHR Election Observation Mission, criticized Kazakhstan authorities for not providing a "level playing field" despite assurances from President Nazarbayev that the elections would be free and fair. The gap between the promise and reality, Glover added, demonstrated a lack of political will to carry out reforms that are necessary if Kazakhstan is to hold genuine democratic elections. (Note: ODIHR has already posted the preliminary report at <http://www.osce.org/odihr/>.)

¶15. (U) In taking questions from the press, the OSCE team insisted that the point of the observation mission is to comment on the elections process, not to render a judgment on the validity of the elections. The OSCE also maintained that there is no double standard between observation of elections in western countries and those in the former Soviet Union. Members of the delegation referred questions of Kazakhstan's readiness to become OSCE Chairman-in-Office to foreign ministers meeting in Ljubljana December 5-6 for the OSCE ministerial.

¶16. (U) The EOM included 46 experts and long-term observers and 411 short-term observers from a total of 43 member states. OSCE observers observed voting in approximately 2000 polling stations and counting in 165. OSCE observers also witnessed tabulation of results in 112 DECs.

Other Observer Assessments

¶17. (U) On December 5, the CIS election monitoring mission described Kazakhstan's presidential election as "free, open, and legitimate."

¶18. (U) The Republican Network of Independent Monitors (RNIM) reported systematic violations including incorrect use of the e-voting system, incomplete voters' lists, and interference in the vote process by PEC members. More than 2,000 RNIM monitors were sent out to observe polling stations in 11 regions.

¶19. (U) The European Network of Election Monitoring Organizations (ENEMO), working under the auspices of NDI, issued a preliminary report on December 5 assessing that the elections did not conform to a number of international standards. ENEMO cited violations during the campaign period and on election day, including limitations on the rights and freedoms of voters and the unequal treatment of

presidential candidates in the Kazakhstani press. ENEMO noted that transparency was helped by the CEC's informative web site, and that election commissions at all levels addressed observers' concerns quickly on election day. ENEMO reported that voting was marred by problems with e-voting and instances of coercion of students to vote. ENEMO fielded 30 short-term observers and 10 long-term observers; they observed voting and tabulation at more than 310 polling stations.

Tuyakbay's Reaction

120. (U) On December 5, Tuyakbay, with fellow FJK members at his side, held a press conference at "True Ak Zhol" headquarters to brief journalists on what FJK called "major systematic violations" on election day. Tuyakbay stated that not only did Nazarbayev fail to deliver a promised "free and fair" election, he failed even to create an illusion of one. Tuyakbay alleged that the government pressured students to vote for Nazarbayev. He claimed that lecturers escorted students to polling stations and paid students for voting. Tuyakbay also alleged that PECs were instructed to add names to the voter lists and that the opposition only received 20% of the protocols from polling stations. He said that he would protest the results through the court system, but would not organize street demonstrations.

Comment

121. (SBU) As the OSCE noted in its preliminary assessment, Kazakhstan has clearly made progress in the mechanics of conducting an election in an orderly and transparent fashion. The fact that Nazarbayev received such an unexpectedly high percentage of the vote has raised concerns about the misuse of administrative resources during the campaign period and the accuracy of the vote counting and tabulation process, however. The release of precinct-by-precinct results, which the CEC promised within 24 hours of voting, will paint a clearer picture of the overall process.

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